

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



April 11, 2006

ALL-COUNTY INFORMATION NOTICE NO. I-28-06

TO: ALL-COUNTY WELFARE DIRECTORS
ALL IHSS PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: IN-HOME SUPPORTIVE SERVICES (IHSS) - QUESTIONS AND
ANSWERS REGARDING ELIGIBILITY AND ASSESSMENT

This All-County Information Notice provides counties with additional information regarding IHSS eligibility and assessment eligibility.

If you have any questions, please contact Jan Howland, Manager, IHSS Plus Waiver Unit, Adult Programs Branch at (916) 229-4044.

Sincerely,

JOSEPH M. CARLIN
Acting Deputy Director
Disability and Adult Programs Division

Attachment

This All-County Information Notice (ACIN) is to provide counties with additional instructions regarding eligibility and assessment under the In-Home Supportive Services (IHSS) Plus Waiver (IPW).

GENERAL PROGRAM QUESTIONS

Question 1: In how many Medi-Cal Waivers may an IPW recipient participate?

Answer: The IPW is a Demonstration Project Waiver under Section 1115 of the Social Security Act. A recipient may concurrently participate in one Section 1115 Waiver and in one of several Section 1915 Waivers. However, a recipient may not concurrently participate in two Waivers under the Section 1115 authority. The other two Section 1115 Waivers managed by the Department of Health Services are:

- Family Planning, Access, Care and Treatment program which allows federal reimbursement for reproductive health services for medically indigent females and males.
- Senior Care Action Network which provides social and health services to persons age 65 and over and is designed to keep functionally impaired older people living at home as long as possible.

Question 2: Who will remain in the IHSS-Residual (IHSS-R) program? Will these recipients receive State only Medi-Cal?

Answer: Recipients who remain in the IHSS-R program are those who have been determined eligible for IHSS-R services, but who are not eligible for federally funded full-scope Medi-Cal, such as non-citizens under the five year ban. Recipients in the IHSS-R program are eligible for Medi-Cal only if they have had a Medi-Cal eligibility determination by a Medi-Cal eligibility worker and meet Medi-Cal eligibility criteria for coverage under one of the Medi-Cal programs appropriate for their status.

Question 3: Which cases will be automatically moved into the IPW?

Answer: IHSS-R recipients who are eligible for federally funded, full scope Medi-Cal and who meet the IPW criteria were moved automatically into the IPW when the first phase of Case Management, Information and Payrolling System (CMIPS) enhancements were completed on February 27, 2006.

PARENT PROVIDERS

Question 4: Has the Welfare and Institutional Code (W&IC) been amended to allow spouses and/or parents of minor children to provide services under Medi-Cal?

Answer: Yes, W&IC Section 14132.951 was added to allow implementation of the IPW, which allows spouses of minor children to provide in-home care services.

Question 5: Will all services fall under the IPW when the recipient is under 18 years of age, and in-home care services are provided by both parent(s) and non-parent(s)?

Answer: Yes, When both parents and non-parents provide any services in which the child has an authorized need, all services provided fall under the IPW. Parent providers must meet the criteria in Manual Policy and Procedures (MPP) 30-763.45. When services are provided by a non-parent provider only, the case qualifies as an IPW only if the case meets another IPW eligibility criteria, i.e., the child receives Advance Payment or Restaurant Meal Allowance. When the minor recipient is living with a parent(s), a non-parent provider can provide IHSS when the criteria in MPP 30-763.44 is met.

Note: All services authorized for minors, regardless if performed by a parent or non-parent provider, must be assessed based on their disability, not their age (WIC)12300(a).

Question 6: Can a parent work out of the home and still be an IPW provider?

Answer: Yes, as long as they are not working full-time. MPP 30-763.451(a) requires that to be a paid provider, the parent has left full-time employment or is prevented from obtaining full-time employment because of the need to provide in home supportive services to the child.

Question 7: If a recipient is currently receiving services under the IHSS-R because they have a parent or spouse provider, or received Advance Pay or Restaurant Meal Allowance, will they be moved into the IPW?

Answer: Recipients previously receiving services in the IHSS-R, or both IHSS-R and Personal Care Services Program (PCSP) (previously designated as split cases), were moved automatically by CMIPS to the IPW on February 27, 2006 if they receive advance pay, restaurant meal allowance, or have a parent or spouse provider. There are no longer split cases. Medi-Cal does not allow services to be provided by a parent

or spouse, nor receipt of Advance Pay or Restaurant Meal Allowance, under PCSP.

Question 8: Can two parents who both work full-time be paid for services in the IPW during the hours they are home in the morning and evening?

Answer: No, two parents both working full-time cannot be paid providers for their minor children under the IPW. In order for parents to be paid providers, they must meet the criteria in MPP 30-763.45. MPP 30-763.451(a) requires that the parent has left full-time employment or is prevented from obtaining full-time employment because of the need to provide IHSS to the child.

Question 9: Is Protective Supervision available for IPW cases, and what rules apply?

Answer: Yes, Protective Supervision is available in the IPW for anyone who is determined eligible for Protective Supervision and who meets IPW criteria: Restaurant Meal Allowance, Advance Pay, or has a parent or spouse as a provider. However, the criteria in MPP 30-757.171 and 30-757.172 must be met.

INSTITUTIONAL DEEMING WAIVER

Question 10: Are Institutional Deeming (ID) Department of Developmental Services (DDS) Waiver cases, which are currently served in PCSP, eligible for the IPW?

Answer: Yes, ID Waiver recipients are eligible for the IPW as long as the recipient meets all IPW eligibility criteria. ID Waiver cases were previously served in the PCSP, as PCSP is a Medi-Cal benefit. With the implementation of the IPW (also a Medi-Cal benefit) on August 1, 2004, these cases may now be covered under either PCSP or the IPW, depending on the eligibility criteria. If ID Waiver cases meet IPW criteria (i.e. parent or spouse provider, receives advance pay or restaurant meal allowance), then the case would be served under the IPW. Spouses and parents of minor children, therefore, can be paid providers under the IPW, regardless of how the recipient qualified for federally funded full-scope Medi-Cal.

Question 11: Can parents of minor children whose Medi-Cal eligibility is through the ID Waiver provide Protective Supervision under the IPW?

Answer: Yes, parents of minor children whose Medi-Cal eligibility is through the ID Waiver are eligible to provide all authorized services, including Protective Supervision under the IPW. To clarify, persons whose Medi-Cal eligibility

is through the ID Waiver are eligible to receive Protective Supervision under PCSP also, as long as the parent or spouse are not the provider.

Question 12: Can a non-parent provider provide services under PCSP to an ID Waiver child even if the parent is present in the home?

Answer: Yes, per All-County Letter (ACL) 00-83 under the Assessment Section (page 4), when the recipient is an ID Waiver child, a non-parent provider may provide services under PCSP even if the parent is present in the home.

Question 13: Can a non-parent provider provide services under IPW to an ID Waiver child even if the parent is present in the home?

Answer: No, MPP 30-763.44 states that a non-parent provider can be paid when the parent cannot be present because of employment, education, training, or ongoing medical or health related treatment. However MPP 30-763.44 also allows for an exception when the parent is physically or mentally unable to perform services.

For additional information on PCSP, please see ACL 00-83 on the DDS Home and Community Based Services Waiver-Determining Eligibility for the PCSP.

RESPITE CARE

Question 14: Is “respite care” offered under the IPW?

Answer: Yes, up to 8 hours of services a week, supplied by a provider other than the parent, may be authorized under the IPW for periods when the parent(s) must be absent from the home. The absence from the home must be to perform shopping and errands essential to the family or for essential purposes related to the care of the recipient’s siblings who are minors, per MPP 30-763.444.

MAXIMUM HOURS FOR IHSS-R, PCSP AND IPW, INCLUDING PROTECTIVE SUPERVISION

Question 15: What are the maximum hours allowed under the three IHSS programs, including hours that may be authorized for protective supervision?

Answer:

IHSS-R:

1. Non-Severely Impaired (NSI) recipients may receive up to a total of 195 hours, including any needed protective supervision. [WIC 12303.4(a), MPP 30-765.12].
 - The entire 195 hours can be for protective supervision if no other needed services are paid for by IHSS.*
2. Severely Impaired (SI) recipients may receive up to a total of 283 hours, including any needed protective supervision. [WIC 12303.4(b), MPP 30-765.11].
 - The entire 283 hours can be for protective supervision if no other needed services are paid for by IHSS.*

PCSP:

Under PCSP, there is no NSI/SI distinction; all cases are eligible for a maximum of 283 hours.

1. NSI recipients may receive up to a total of 283 hours. [WIC 14132.95(g)]. If the case meets IHSS-R NSI criteria, only up to 195 hours can be authorized for protective supervision.
 - If 195 hours are authorized for protective supervision, the remaining service needs may be authorized, up to a maximum of 283 hours, for other PCSP services.
2. SI recipients may receive up to a total of 283 hours. [WIC 14132.95(g)].
 - If the case meets IHSS-R SI criteria, the entire 283 hours can be for protective supervision.*

IPW (same as IHSS-R):

1. NSI recipients may receive up to a total of 195 hours, including any needed protective supervision. [WIC 12303.4(a), MPP 30-765.12].
 - The entire 195 hours can be for protective supervision if no other needed services are paid for by IHSS.*
2. SI recipients may receive up to a total of 283 hours, including any needed protective supervision. [WIC 12303.4(b), MPP 30-765.11].
 - The entire 283 hours can be for protective supervision if no other needed services are paid for by IHSS.*

*Although unlikely, this can occur; the 20 hours or more per week assessed in specified areas as required in the SI definition [MPP 30-701(s)(1)], could be provided as an alternative resource.

Clarification:

- There are no longer any split cases. If any of the elements of an IPW case are present, the entire case is an IPW case. (See ACL 05-05, the IPW Waiver Application and associated documents that support the IPW budget neutrality methodology.)
- If a recipient's hours are reduced as a result of moving from PCSP to IPW, counties must adjust their hours as reduced as a result of moving from PCSP to IPW, counties must adjust their hours in CMIPS which will generate a 10-day Notice of Action to the recipient. Because the IPW follows IHSS-R rules, recipients who are authorized for NSI will have fewer maximum hours available.

SHARE OF COST CALCULATIONS

There is no need for an IHSS county staff to calculate an IHSS Share of Cost (SOC) if the case is a zero SOC Medi-Cal case. The Medical eligibility worker will advise the IHSS county staff if there is a change or elimination of the SOC. California Department of Health Services and California Department of Social Services leave it up to county discretion regarding how to communicate this information between the two agencies.